

REMARKS

Claim 36-83 are pending in this application. Claim 36 has been amended to remove an unintended indentation in the subparagraph beginning with "conducting ...". No other amendments have been made. Claims 79-83 have been withdrawn.

In an action mailed October 4, 2006, the Examiner required restriction of prosecution to one of the following groups of claims:

- I. Claims 1-78, drawn to a method for diagnosing mastitis, classified in class 435, subclass 7.1., for example.
- II. Claims 79-83, drawn to a kit, classified in class 435, subclass 287.1, for example.

Furthermore, the Examiner has also required restriction under 35 USC 121, and election is required of one of Inventions I or II and one of Species 1-2, as indicated below:

Species 1: The detection of one (1) pathogen.

- a) A bacterium. Applicant is required to elect one bacterium from claims 51, 53, 54, 55, 56 and 62.
- b) A virus
- c) A fungus. Applicant is required to elect one fungus from claim 52.

Species 2: The detection of more than one pathogen. Applicant is required to identify exactly which pathogens are selected. Claims 57-61.

In response to this restriction requirement, Applicant respectfully elects to proceed with prosecution on the merits of Group I (Claims 1-78, wherein claims 1-35 have been canceled in a Preliminary Amendment). Furthermore, Applicant elects Species 2 (the detection of more than one pathogen) for examination of the claims and identifies the following pathogens for examination: *Streptococcus agalactiae*, *Staphylococcus aureus*, *Mycoplasma bovis*, *Streptococcus uberis* and gram-negative species of bacteria. Applicant submits that Claims 36-49, 57, 60 and 63-78 are readable thereon. Pursuant to the election of species, Applicant reserves the right to pursue all of the Group I claims upon demonstration of patentability of Species 2.

Furthermore, Applicant reserves the right to file one or more divisional applications directed to the non-elected claims.

Applicant submits that the present Application is in condition for examination on the merits and respectfully request the same. If any issues remain with respect to the restriction requirement, the Examiner is cordially invited to contact Applicant's representative at the number provided below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. Applicants have received the Office Action of October 4, 2006.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

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By: _____



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